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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Argentina, Brazil, Colombia, Mexico, Peru and Venezuela: draft resolution

Situation of human rights in El Salvador

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and by the humanitarian standards laid down in the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto of 1977,

Reaffirming that the Governments of all Member States have a duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have assumed under the relevant international instruments,

Noting with satisfaction that the Special Representative indicates in his report (E/CN.4/1990/26) that respect for human rights and dialoque for peace are fundamental components of the policy of the Government of El Salvador, althouqh he points out that that policy has not yet yielded the desired results,

Recalling that, since 1980, the General Assembly has been expressing its deep concern at the situation of human rights in El Salvador, as stated in its resolution 44/165 of 15 December 1989,

Bearing in mind Commission resolution 32 (XXXVII) of 1 March 1981, in which it decided to appoint a Special Representative on the situation of human rights in El Salvador, and subsequent resolutions on this question, including resolution 1989/68 of 8 March 1989, whereby it extended the mandate of the Special Representative for another year,

Considering that the continuing armed conflict in El Salvador is of a non-international character and that the parties involved are under an obligation to apply the minimum standards of protection of human rights and humanitarian treatment provided for in article 3 common to the Geneva Conventions of 1949 and in Additional Protocol II thereto of 1977,

Alarmed that, despite the encouraging signs that emerged from the meetings which were held at Mexico City and San José, Costa Rica, in September and October 1989 with the participation of the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, the worsening of the conflict and the resurgence of violence have seriously affected the enjoyment of human rights and fundamental freedoms of the Salvadorian people,

Deeply concerned that, as indicated by the Special Representative, the number of serious and even mass violations of human rights committed for political motives is continuing to rise and that, in particular, there has been a recrudescence of torture, detentions and summary executions have increased, and disappearances, abductions, attacks on the economic infrastructure and breaches of the humanitarian standards applicable to warfare have continued,

Highly indignant at the mass murder of the Rector of the Central American University, five professors and two members of the domestic staff on 16 November 1989 by members of the armed forces,

Concerned that, in the context of the Salvadorian conflict, the Special Representative indicates in his report that numerous sources continue to ascribe responsibility for summary executions and other grave human rights violations to the so-called "death squads",

Also concerned that, in the context of the Salvadorian conflict, the Special Representative draws attention in his report to the occurrence of indiscriminate actions in towns and cities, resulting in deaths and injuries to civilians, carried out by the Frente Farabundo Martí para la Liberación Nacional, and to actions by violent commandos independent of the FMLN,

Regretting that there has been a disturbing increase in attacks and threats against various members of the ecclesiastical hierarchy, numerous leaders, members and headquarters of political, trade-union and peasant organizations, relatives of members of the armed forces and civil servants and their relatives,

Observing that legal proceedings have been instituted in respect of some summary executions, including that of the members of the Central American University, but that there has been no progress in the case of the murder of Monsignor Romero in 1980 and that there is an urgent need to find and punish those responsible for many other recent human rights violations, such as the murders of the Minister of the Office of the President, the Government Attorney and high-ranking political leaders and the fatal mass attack against a trade-union federation,

Convinced that fulfilment of the commitments assumed by the Government of El Salvador in the agreement on "Procedure for the establishment of a firm and lasting peace in Central America" (Esquipulas II) and in the joint declarations of the five Central American Presidents (Alajuela, Costa Rica; Costa del Sol, El Salvador; Tela, Honduras; and San Isidro de Coronado, Costa Rica) provide the necessary framework for the promotion, respect and realization of human rights and fundamental freedoms and will contribute decisively to encouraging the democratization and strengthening of the peace process in the region,

Noting with approval that, on the basis of Security Council resolution 637 (1989), the Secretary-General of the United Nations has begun to lend his good offices to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional with a view to the resumption and successful conclusion of the process of dialogue,

Aware that the process of pursuing a political solution to the Salvadorian conflict can be cut short if external forces do not support the achievement of fair and lasting agreements but instead seek in any way to intensify or prolong the armed conflict, with ensuing grave effects on the situation of human rights and economic recovery in El Salvador,

1. Commends the Special Representative for his report on the situation of human rights in El Salvador (E/CN.4/1990/26);

READEX FICHE

2. Expresses its serious concern at the increase in the number of grave, politically motivated violations of human rights, such as summary executions, torture and abductions, and at the persistence of enforced disappearances;

3. Also expresses its deepest concern at the worsening of the armed conflict which in November 1989 led to a fresh outbreak of violence, bombings and the indiscriminate use of heavy weapons in densely populated areas, causing numerous civilian casualties and substantial damage;

4. Also expresses its serious concern at the systematic attacks on the economic infrastructure, which severely impair the present and future enjoyment of important economic, social and cultural rights by the Salvadorian people;

5. Condemns the murder of the Rector and seven other members of the Central American University, acknowledges that the Government of El Salvador has brought several persons suspected of perpetrating this abominable crime before the courts and hopes that it will continue to investigate this crime in order that all the culprits may be punished;

6. Regrets the fact that the so-called "death squads" in El Salvador are continuing to commit serious human rights violations with impunity;

7. Also regrets that the indiscriminate actions by the Frente Farabundo Martí para la Liberación Nacional in towns and cities, as well as the actions by violent commandos independent of the FMLN, also represent serious and unpunished violations of human rights;

8. Also expresses its deep concern at the continued unsatisfactory capacity of the judicial system, despite the efforts of the Government of El Salvador to determine the responsibility of persons committing serious violations of human rights, and therefore urges the competent authorities to hasten the adoption of the reforms and measures necessary for ensuring its efficiency;

9. Calls upon the Government of El Salvador, the Frente Farabundo Martí para la Liberación Nacional and all the country's political powers, agencies and forces to take immediate measures, as recommended by the Special Representative, to put an end to attempts on human life, integrity and dignity, both in non-combat situations and in or as a result of combat;

10. Requests the parties to the conflict to guarantee respect for the humanitarian standards applicable to non-international armed conflicts such as that in El Salvador, especially to protect the civilian population, the war-wounded and persons deprived of their freedom for reasons connected with the conflict, at all times to allow the immediate evacuation of war-wounded and war-injured for prompt medical attention, and under all circumstances to provide any type of support needed from either of the parties by medical or health staff in order to conduct their activities;

11. Offers its full support to the good offices mission of the Secretary-General of the United Nations with a view to achieving the resumption and successful conclusion of the dialogue between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, on the basis of Security Council resolution 637 (1989);

12. Strongly appeals to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to use the good offices of the Secretary-General to endeavour to achieve, as rapidly as possible, a negotiated political solution to the armed conflict that will encourage the existence and strengthening of a democratic, pluralist and participatory process involving the promotion and respect of the human rights of the Salvadorian people, in particular the right freely to choose its own political, economic and social system without external interference of any kind;

13. Reiterates its appeal to all States to refrain from intervening in the internal situation in El Salvador and, instead of helping in any way to prolong and intensify the armed conflict, to encourage the conclusion of a just and lasting peace;

14. Repeats its request that the bodies and organizations of the United Nations system, on the basis of General Assembly resolution 44/165 and Commission on Human Rights resolution 1989/68, should provide such advice and assistance in the promotion and protection of human rights and fundamental freedoms as the Government of El Salvador may request from them;

15. Notes with satisfaction that, with the consent of the Government, there have been a number of mass returns of refugees who have decided of their own free will to resettle in rural areas of conflict, and urges the competent

authorities to make every effort to ensure that such persons are assisted in respect of their most basic needs and to prevent acts of violence against them or their settlements;

16. Decides to consider at its forty-seventh session the situation of human rights in El Salvador and the mandate of the Special Representative, taking account of developments in the situation of human rights in that country;

17. Decides to extend the mandate of the Special Representative for another year and requests him to submit his report on further developments in the situation of human rights in El Salvador to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session.

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Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Argentina, Brazil, Colombia, France, Greece, Ireland, Mexico, Peru, Spain and Venezuela: draft resolution

Situation of human rights in El Salvador

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and by the humanitarian standards laid down in the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto of 1977,

Reaffirming that the Governments of all Member States have a duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have assumed under the relevant international instruments,

Noting with satisfaction that the Special Representative indicates in his report (E/CN.4/1990/26) that respect for human rights and dialogue for peace are fundamental components of the policy of the Government of El Salvador, although he points out that that policy has not yet yielded the desired results,

Recalling that, since 1980, the General Assembly has been expressing its deep concern at the situation of human rights in El Salvador, as stated in its resolution 44/165 of 15 December 1989,

Bearing in mind Commission resolution 32 (XXXVII) of 1 March 1981, in which it decided to appoint a Special Representative on the situation of human rights in El Salvador, and subsequent resolutions on this question, including resolution 1989/68 of 8 March 1989, whereby it extended the mandate of the Special Representative for another year,

Considering that the continuing armed conflict in El Salvador is of a non-international character and that the parties involved are under an obligation to apply the minimum standards of protection of human rights and humanitarian treatment provided for in article 3 common to the Geneva Conventions of 1949 and in Additional Protocol II thereto of 1977,

Alarmed that, despite the encouraging signs that emerged from the meetings which were held at Mexico City and San José, Costa Rica, in September and October 1989 with the participation of the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, the worsening of the conflict and the resurgence of violence have seriously affected the enjoyment of human rights and fundamental freedoms of the Salvadorian people,

Deeply concerned that, as indicated by the Special Representative, and in the relevant paragraphs of the reports of the Special Rapporteur on Torture (E/CN.4/1990/17 and Add.1) and of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13), the number of serious and even mass violations of human rights committed for political motives is continuing to rise and that, in particular, there has been a recrudescence of torture, detentions and summary executions have increased, and disappearances, abductions, attacks on the economic infrastructure and breaches of the humanitarian standards applicable to warfare have continued,

Highly indignant at the mass murder of the Rector of the Central American University, five professors and two members of the domestic staff on 16 November 1989 by members of the armed forces,

Concerned that, in the context of the Salvadorian conflict, the Special Representative indicates in his report that numerous sources continue to ascribe responsibility for summary executions and other grave human rights violations to the so-called "death squads",

Also concerned that, in the context of the Salvadorian conflict, the Special Representative draws attention in his report to the occurrence of indiscriminate actions in towns and cities, resulting in deaths and injuries to civilians, carried out by the Frente Farabundo Martí para la Liberación Nacional, and to actions by violent commandos independent of the FMLN,

Regretting that there has been a disturbing increase in attacks and threats against various members of the ecclesiastical hierarchy, numerous leaders, members and headquarters of political, trade union and peasant organizations, relatives of members of the armed forces and civil servants and their relatives,

Observing that legal proceedings have been instituted in respect of some summary executions, including that of the members of the Central American University, but that there has been no progress in the case of the murder of Monsignor Romero in 1980 and that there is an urgent need to find and punish those responsible for many other recent human rights violations, such as the murders of the Minister of the Office of the President, the Government Attorney and high-ranking political leaders and the fatal mass attack against a trade union federation,

Convinced that fulfilment of the commitments assumed by the Government of El Salvador in the agreement on "Procedure for the establishment of a firm and lasting peace in Central America" (Esquipulas II) and in the joint declarations of the five Central American Presidents (Alajuela, Costa Rica; Costa del Sol, El Salvador; Tela, Honduras; and San Isidro de Coronado, Costa Rica) provide the necessary framework for the promotion, respect and realization of human rights and fundamental freedoms and will contribute decisively to encouraging the democratization and strengthening of the peace process in the region,

Noting with approval that, on the basis of Security Council resolution 637 (1989), the Secretary-General of the United Nations has begun to lend his good offices to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional with a view to the resumption and successful conclusion of the process of dialogue,

Aware that the process of pursuing a political solution to the Salvadorian conflict can be cut short if external forces do not support the achievement of fair and lasting agreements but instead seek in any way to intensify or prolong the armed conflict, with ensuing grave effects on the situation of human rights and economic recovery in El Salvador,

1. Commends the Special Representative for his report on the situation of human rights in El Salvador (E/CN.4/1990/26);

2. Expresses its serious concern at the increase in the number of grave, politically motivated violations of human rights, such as summary executions, torture and abductions, and at the persistence of enforced disappearances;

3. Also expresses its deepest concern at the worsening of the armed conflict, particularly in November 1989, which led to a fresh outbreak of violence, bombings and the indiscriminate use of heavy weapons in densely populated areas, causing numerous civilian casualties and substantial damage;

4. Also expresses its serious concern at the systematic attacks on the economic infrastructure, which severely impair the present and future enjoyment of important economic, social and cultural rights by the Salvadorian people;

5. Condemns the murder of the Rector and seven other members of the Central American University, acknowledges that the Government of El Salvador has brought several persons suspected of perpetrating this abominable crime before the courts and hopes that it will continue to investigate this crime in order that all the culprits may be punished;

6. Regrets the fact that the so-called "death squads" in El Salvador are continuing to commit serious human rights violations with impunity;

7. Expresses, furthermore, its deep concern that the indiscriminate actions by the Frente Farabundo Martí para la Liberación Nacional in towns and cities, as well as the actions by violent commandos independent of the FMLN, also represent serious and unpunished violations of human rights;

8. Also expresses its deep concern at the continued unsatisfactory capacity of the judicial system, despite the efforts of the Government of El Salvador to determine the responsibility of persons committing serious violations of human rights, and therefore urges the competent authorities to hasten the adoption of the reforms and measures necessary for ensuring its efficiency;

9. Calls upon the Government of El Salvador, the Frente Farabundo Martí para la Liberación Nacional and all the country's political powers, agencies and forces to take immediate measures, as recommended by the Special Representative, to put an end to attempts on human life, integrity and dignity, both in non-combat situations and in or as a result of combat;

10. Requests the parties to the conflict to guarantee respect for the humanitarian standards applicable to non-international armed conflicts such as that in El Salvador, especially to protect the civilian population, the war-wounded and persons deprived of their freedom for reasons connected with the conflict and to co-operate with humanitarian organizations engaged in alleviating the suffering of the civilian population wherever such organizations operate in the country; and in no circumstances to penalize medical and health personnel for carrying out their activities;

11. Offers its full support to the good offices mission of the Secretary-General of the United Nations with a view to achieving the resumption and successful conclusion of the dialogue between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, on the basis of Security Council resolution 637 (1989);

12. Strongly appeals to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to use the good offices of the Secretary-General to endeavour to achieve, as rapidly as possible, a negotiated political solution to the armed conflict that will encourage the existence and strengthening of a democratic, pluralist and participatory process involving the promotion and respect of the human rights of the Salvadorian people, in particular the right freely to choose its own political, economic and social system without external interference of any kind;

13. Reiterates its appeal to all States to refrain from intervening in the internal situation in El Salvador and, instead of helping in any way to prolong and intensify the armed conflict, to encourage the conclusion of a just and lasting peace;

14. Repeats its request that the bodies and organizations of the United Nations system, on the basis of General Assembly resolution 44/165 and Commission on Human Rights resolution 1989/68, should provide such advice and assistance in the promotion and protection of human rights and fundamental freedoms as the Government of El Salvador may request from them;

15. Notes with satisfaction that, with the consent of the Government, there have been a number of mass returns of refugees who have decided of their own free will to resettle in rural areas of conflict, and urges the competent

authorities to make every effort to ensure that such persons are assisted in respect of their most basic needs and to prevent acts of violence against them or their settlements;

16. Decides to consider at its forty-seventh session the situation of human rights in El Salvador and the mandate of the Special Representative, taking account of developments in the situation of human rights in that country;

17. Decides to extend the mandate of the Special Representative for another year and requests him to submit his report on further developments in the situation of human rights in El Salvador to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 10(c)

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Administrative and programme budget implications of the draft resolution contained in document E/CN.4/1990/L.41

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. In operative paragraphs 3 and 4 of draft resolution E/CN.4/1990/L.41, the Commission on Human Rights would decide to extend for two years the term of the mandate of the Working Group as defined in Commission resolution 20 (XXXVI) so as to enable the Working Group to take into consideration all the information that may be transmitted to it concerning the cases brought to its attention, while maintaining the principle of annual reporting by the Working Group and would request the Working Group to report on its work to the Commission at its forty-seventh session and reminds the Working Group of the obligation to discharge its mandate in a discreet and conscientious manner. In paragraph 17, the Commission would request the Secretary-General to ensure that the Working Group received all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions or holding sessions in countries which would be prepared to receive it.

B. Relationship of the requests to current legislative mandates

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objective of and strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991.

3. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1990-1991 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures, including assistance to ad hoc investigatory or fact-finding bodies

Output: (v) Substantive preparation and servicing of six meetings of the Working Group on Enforced or Involuntary Disappearances of Persons, including the gathering and analysis of materials, the organization of hearings, field visits, consultations and the maintenance of records.

Output: (vi) Preparation of two reports of the Working Group on Enforced or Involuntary Disappearances of Persons to be submitted to the Commission on Human Rights.

C. Activities by which the proposed requests would be implemented

4. It is assumed that the work programme of the Working Group during 1990 and 1991, as outlined below, would follow a similar pattern as in previous years. The estimate of financial implications is based on the following assumptions:

(a) The Working Group, composed of five members, would meet in New York in June 1990 and in April or May 1991 for a period of five working days, in order to receive and examine information from Governments, intergovernmental organizations, humanitarian organizations, and other reliable sources;

(b) The Working Group would meet in Geneva in September 1990 and August or September 1991 for a period of five working days to receive and examine information;

(c) The Working Group would meet in Geneva in December 1990 and December 1991 for a period of eight working days to receive and examine information as well as to consider and adopt its report for submission to the Commission at its forty-seventh and forty-eighth sessions;

(d) For the purpose of establishing direct contacts with Governments, two members of the Working Group, accompanied by up to three staff members of the Centre for Human Rights, would undertake four missions during the two-year mandate;

(e) One staff member at the P-4 level and three at the P.3/P.2 level, one computer operations clerk and two secretaries would be required to provide the Working Group with necessary services for the substantive preparation and servicing of three annual sessions as well as field missions, the screening of incoming reports, the transmittal of cases approved by the Group to Governments and the connected correspondence; and to assist the Group in the preparation of its annual report to the Commission.

(f) Computer and word-processing services would be required to organize and assess the data collected on missing persons.

D. Modifications required in the proposed programme of work

5. No modifications are required in the programme of work approved for 1990-1991 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

6. The estimated cost of the above programme of work is itemized as follows:

	1990	1991	1992
		(US dollars)	
I. Meetings in New York, June 1990 and April/May 1991 (5 working days each)			
Travel and subsistence of five experts	21 800	21 800	-
Travel and subsistence of three staff members	7 500	7 500	-
Total I	29 300	29 300	
II. Meetings in Geneva, September 1990 and August/September 1991 (5 working days each)			
Travel and subsistence of five experts	12 200	12 200	-
Total II	12 200	12 200	

	1990	1991 (US dollars)	1992
III. Meetings in Geneva, December 1990/1991 (8 working days each)			
Travel and subsistence of five experts	14 300	14 300	-
Total III	14 300	14 300	
IV. Four separate field missions during the two-year mandate for two members of the Working Group, accompanied by up to three staff members from the Centre for Human Rights, for establishment of direct contacts (calculated on a notional basis for a period of 5 working days for each visit)			
Travel and subsistence of two members of the Working Group	10 000	10 000	-
Travel and subsistence of three staff members	8 000	8 000	-
General operating expenses:			
local transport, communications and rental of office facilities	2 000	2 000	-
Total IV	20 000	20 000	
V. General temporary assistance			
12 work-months at the P-4 level 1/	27 500	27 500	11 000
36 work months at the P-3 level 2/	67 500	67 500	27 000
36 work months at the GS level 2/	52 500	52 500	21 000
Total V	147 500	147 500	59 000
VI. Other requirements			
Overtime for General Service staff	900	1 200	300
Total VI	900	1 200	300
Total I - VI	224 200	224 200	59 300

7. On the basis of the foregoing, the relevant costs under section 23 (Human rights) are estimated at $224,200 for 1990. $224,500 for 1991 and $59,300 for 1992. The related conference servicing costs, calculated on a full cost basis, are estimated at $195,700 for 1990 and $201,100 for 1991.

8. Should the services of an interpreter be required during the field missions, salary, travel and subsistence costs are estimated at $5,000 for each mission to be financed under section 29 B (Conference Services Division, Geneva).

9. This draft resolution is considered to be within the scope of perennial activities and resources therefore would be provided from the existing provision for the Economic and Social Council mandates under Section 23, thus making it unnecessary to have recourse to the contingency fund.

Notes

1/ 5 w/m in 1990; 5 w/m in 1991 and 2 w/m in 1992.

2/ 15 w/m each in 1990; 15 w/m each in 1991 and 6 w/m each in 1992.

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Forty-sixth session
Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Bangladesh, China, Egypt*, Iraq, Iran*, Japan, Jordan* and Pakistan: amendment to draft resolution E/CN.4/1990/L.38

Human rights in the administration of justice,

Delete the following from the fourth preambular paragraph:

"the Second Optional Protocol to the International Covenant on Civil and Political Rights on the elimination of the death penalty, as well as of".

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Australia*, Bolivia*, Bulgaria, Byrlorussian SSR*, Colombia, Costa Rica*, Greece*, Hungary, India, Ireland*, Italy, Netherlands*, Peru, Philippines, Portugal, Spain, Sweden, Switzerland*, Ukrainian SSR, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland: draft resolution

Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling previous General Assembly resolutions on this subject, in particular resolutions 43/128 of 8 December 1988 and 44/61 of 8 December 1989 as well as its own resolution 1989/53 of 7 March 1989,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recognizing the catalytic effect of United Nations initiatives on national and regional public information activities in the field of human rights,

Recognizing also the valuable role that non-governmental organizations can play in these endeavours,

Believing that a world public information campaign on human rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights worldwide,

1. Takes note with appreciation of the report of the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1990/19), and supports the general thrust of the proposed programme of implementation of the World Public Information Campaign for Human Rights;

2. Reaffirms the need for information materials on human rights to be carefully designed in clear and accessible form, to be tailored to regional and national requirements and circumstances with specific target audiences in mind and to be effectively disseminated in national and local languages in sufficient volume to have the desired impact, and also for effective use to be made of the mass media, in particular radio and television and audio-visual technologies, in order to reach a wider audience, with priority being given to children, other young people and the disadvantaged, including those in isolated areas;

3. Appreciates the measures taken by the Secretariat to ensure the further production and effective dissemination of human rights information material in national and local languages, in co-operation with regional, national and local organizations as well as with Governments, making full and effective use of the United Nations information centres;

4. Appreciates the efforts of the Secretariat to establish, within available resources, collections of basic United Nations information and reference material on human rights and fundamental freedoms at each United Nations information centre, and requests the Secretariat to provide the Commission, at its forty-seventh session, with a report on the situation in this respect in each information centre on the basis of replies given on a questionnaire prepared to this effect by the Secretariat;

5. Encourages all Member States to make special efforts to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, and to accord priority to the dissemination, in

their respective national and local languages, of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments, and to information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

6. Urges all Member States to include in their educational curricula materials relevant to a comprehensive understanding of human rights issues, bearing in mind the availability of the teaching booklet published by the Centre for Human Rights, and encourages all those responsible for training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate human rights components in their programmes;

7. Notes the special value, under the advisory services and technical assistance programme, of regional and national training courses and workshops in promoting practical education and awareness in the field of human rights;

8. Requests the Secretary-General to ensure the fullest effective deployment of the skills and resources of all the United Nations Secretariat units concerned and to make available, within existing resources, adequate funding for developing practical and effective human rights information activities, including those within the programme of the World Public Information Campaign for Human Rights;

9. Takes note of the information provided by the Secretary-General on the budget available for information activities in the field of human rights and requests the Department of Public Information to make full use of the available resources in the field of human rights in order to expand and update its stock of audio-visual material on human rights, including the production of human rights documentation and films, and to increase the print-run of the information and reference material produced by the United Nations, in particular the Fact Sheet series, for worldwide distribution;

10. Requests the Centre for Human Rights to co-ordinate as necessary, taking fully into account General Assembly resolution 43/128 and in particular the primary role assigned to the Department of Public Information in its own field of competence, the relevant activities of the World Campaign within the United Nations system and to maintain liaison with Governments, regional and national institutions and individuals concerned in the development and implementation of those activities;

11. Stresses the need for close co-operation between the Centre for Human Rights and the Department of Public Information, inter alia, in the implementation of the aims established for the World Campaign;

12. Asks the Secretariat to make arrangements for the translation of the Universal Declaration of Human Rights into additional non-official languages and to ensure the availability of the text in both official and non-official languages and in sufficient quantities at United Nations information centres worldwide;

13. Requests the Secretariat to take advantage as much as possible, in the implementation of the World Campaign, of the collaboration of non-governmental organizations, including in the dissemination of human rights material with a view to increasing universal awareness of human rights and fundamental freedoms;

14. Emphasizes the need for the United Nations to harmonize its public information activities in the field of human rights with organizations such as the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees in relation to the dissemination of information on international humanitarian law and, with regard to education for human rights, the United Nations Educational, Scientific and Cultural Organization, and appreciates the efforts made by the Secretary-General to this effect;

15. Requests the Secretary-General to submit to the Commission, at its forty-seventh session, a report on public information activities with special emphasis on the activities of the World Campaign, including details of the costs incurred in 1990 and the budget envisaged for future activities, as well as a further assessment of the impact of the World Campaign activities undertaken by the United Nations in the field of human rights;

16. Decides to continue its consideration of this question at its forty-seventh session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Australia*, Bulgaria, Byelorussian SSR*, Colombia, Finland*, France, Hungary, Iraq, Italy, Philippines, Poland*, Sri Lanka, Ukrainian SSR and Union of Soviet Socialist Republics: draft resolution

National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling its relevant resolutions and those of the General Assembly concerning national institutions for the promotion and protection of human rights, notably General Assembly resolution 44/64 of 8 December 1989 and its own resolution 1989/52 of 7 March 1989,

Stressing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Convinced of the significant role that can be played by such institutions at the national level in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations can play a catalytic role in assisting the development of national institutions,

Welcoming the holding in 1990 of a regional Asia-Pacific workshop under the auspices of the United Nations to consider, inter alia, the experience of different regions and countries in the establishment of regional or national institutions for the promotion and protection of human rights,

1. Takes note of the progress made in this area in the past few years and of the increased number of such national institutions in all parts of the world and of the efforts of the Centre for Human Rights to increase co-operation with regional and national institutions;

2. Requests the Centre for Human Rights to continue its efforts in order to enhance co-operation between the United Nations and regional and national institutions particularly in the field of advisory services and technical assistance and of information and education, not least within the framework of the World Public Information Campaign for Human Rights;

3. Further requests the Secretary-General to convene a workshop, to be financed from the regular budget allocations of the advisory services and technical assistance programme, with the participation of national and regional institutions for the promotion and protection of human rights to review, inter alia, their co-operation with international institutions such as the United Nations and its bodies, with a view to increasing their effectiveness nationally and internationally;

4. Further requests the Secretary-General to publicize the proceedings of that meeting and to make use of their results in the finalization of the manual on national institutions under preparation by the Centre for Human Rights.

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COMMISSION ON HUMAN RIGHTS
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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia*, Belgium, Canada, Denmark*, France, Germany, Federal Republic of, Greece*, Ireland*, Italy, Japan, Luxembourg*, Netherlands*, Norway*, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reaffirming that all Governments have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its relevant resolutions as well as the resolutions of the General Assembly and the decisions of the Economic and Social Council,

Emphasizing the relevance and validity for all parties concerned of the Agreements on the Settlement of the Situation relating to Afghanistan, concluded at Geneva on 14 April 1988 (S/19835, annex I), which constitute an important step towards a comprehensive political solution,

Noting with deep concern that a situation of armed conflict continues to exist in Afghanistan, that acts of terrorism against civilians have significantly increased, that the treatment of prisoners detained in connection with the conflict does not conform to the humanitarian rules as set out in the Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977, that more than five million refugees are living outside Afghanistan and that many Afghans are displaced within the country,

Aware that the reasons given by the refugees for not returning to Afghanistan, pending the achievement of a comprehensive political solution and the establishment of a broad-based government, include the continued fighting in some provinces, the use of very destructive arms in the conflict, the minefields that have been laid in many parts of the country, the lack of an effective authority in many provinces and other obstacles which would be encountered by refugees in returning to Afghanistan,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1990/25) and of the conclusions and recommendations contained therein;

2. Welcomes the co-operation of the Afghan authorities with the Special Rapporteur;

3. Welcomes the co-operation that the Afghan authorities have extended to international organizations, in particular to the Special Co-ordinator for Humanitarian and Economic Assistance relating to Afghanistan, the specialized

agencies of the United Nations, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

4. Urges all parties concerned to work for the achievement of a comprehensive political solution based on the right of self-determination and for the creation of a situation that will permit the return of refugees and the full enjoyment of human rights by all Afghans;

5. Also urges all parties to the conflict to respect the Geneva Conventions of 1949 and their Additional Protocols of 1977, to halt the use of weapons against the civilian population, to protect all prisoners from acts of reprisals and violence, including ill-treatment, torture and summary execution, to transmit to the International Committee of the Red Cross the names of all prisoners, as well as to grant to the ICRC unrestricted access to all parts of the country and the right to visit all prisoners in accordance with its established criteria;

6. Calls upon the Afghan authorities to investigate thoroughly the fate of disappeared persons, to apply amnesty decrees equally to foreign detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners and to apply to all convicted persons article 14, paragraph 3 (d), and paragraph 5, of the International Covenant on Civil and Political Rights;

7. Notes with concern the allegations of atrocities committed against Afghan soldiers, civil servants and captured civilians;

8. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

9. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to co-operate fully, especially on the subject of mine detection, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity in conformity with the Geneva Agreements:

10. Urgently appeals to all Member States and humanitarian organizations to promote the implementation of the projects envisaged by the Special Co-ordinator for Humanitarian and Economic Assistance relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;

11. Urges all parties concerned to extend their full co-operation to the Commission on Human Rights and its Special Rapporteur;

12. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session on the situation of human rights in Afghanistan;

13. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

14. Decides to continue its consideration of the human rights situation in Afghanistan as a matter of high priority at its forty-seventh session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

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Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Angola*, Australia*, Austria*, Brazil, Canada, Egypt* France, Germany, Federal Republic of, Norway*, Poland*, Portugal, Romania*, Senegal, Sweden, Venezuela, Yugoslavia:
draft resolution

Convention on the Rights of the Child

The Commission on Human Rights,

Welcoming the adoption of the Convention on the Rights of the Child by the United Nations General Assembly on 20 November 1989,

Encouraged by the fact that an unprecedented number of States became signatories to that Convention at the signing ceremony on 26 January 1990, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Noting the World Summit for Children to be held in September 1990,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Considering that the Commission on Human Rights should afford special concern to questions concerning the human rights of children,

Believing that the Commission's attention to this question could lead to greater understanding of, and improved responses to, children's special needs and vulnerability, and could also contribute significantly in due course to the work of the future Committee on the Rights of the Child,

1. Calls upon all States to consider signing and ratifying or acceding to the Convention on the Rights of the Child;

2. Also calls upon the Secretary-General to assume an active role in the diffusion of information on the Convention on the Rights of the Child and in its promotion, through the World Campaign for Human Rights and the Advisory Services Programme and in co-operation with the United Nations Children's Fund and other concerned United Nations bodies;

3. Requests the Secretary-General to prepare a report on the status of the Convention on the Rights of the Child for presentation to the Commission on Human Rights;

4. Decides to include on the Commission's agenda an item entitled "Status of the Convention on the Rights of the Child" at its forty-seventh session;

5. Also requests the Secretary-General to transmit to the Commission on Human Rights the report of the World Summit on Children as far as the promotion and implementation of the Convention on the Rights of the Child are concerned.

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Forty-sixth session
Agenda item 21

MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FASCIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED, TERROR, SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES

Bulgaria, Byelorussian Soviet Socialist Republic*, Czechoslovakia*, German Democratic Republic*, Hungary, Poland*, Romania*, Ukrainian Soviet Socialist Republic and Union of Soviet Socialist Republics: draft resolution

Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences

The Commission on Human Rights,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to promote social progress and better standards of life and greater freedom for all,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind that on various occasions Member States reiterated their resolve to promote the exercise of human rights and fundamental freedoms,

Noting that, nevertheless, in the contemporary world there continue to exist various forms of totalitarian ideologies and practices which entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in civil, political, economic, social and cultural spheres,

Emphasizing that doctrines of racial or ethnic superiority contradict the spirit and principles of the United Nations and that the application of such doctrines in practice leads to conflicts, massive and flagrant violations of human rights, and create serious obstacles to friendly relations among nations,

Acknowledging with satisfaction the fact that many States have established systems based on the inherent dignity and the equal and inalienable rights of all human beings, which are the basis of a democratic society and the best bulwark against totalitarian ideologies and practices,

Recalling its previous resolutions on the subject,

1. Condemns all totalitarian or other ideologies and practices, including Nazi, Fascist or neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences;

2. Expresses its determination to resist all totalitarian ideologies, and especially their practices, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity;

3. Considers further that the best defence against all totalitarian ideologies lies in free effective popular participation in democratic institutions, including in particular genuine and periodic elections, based on respect for the human rights proclaimed in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments;

4. Calls upon all States to take the necessary measures to ensure the thorough investigation and the detection, arrest prosecution, extradition and punishment of all war criminals and persons guilty of crimes against humanity who have not yet been brought before a court and appropriately punished;

5. Calls upon all States to promote, especially among the young, respect for international law as well as human rights and fundamental freedoms.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 19

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Belgium and Austria*: draft decision

Right to a fair trial

At its ... meeting, on .. March 1990, the Commission noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/27 of 1 September 1989, welcomed the Sub-Commission's decision to appoint Mr. Stanislav Chernichenko and Mr. William Treat to prepare a report on the right to a fair trial and requested the Sub-Commission to consider that report directly under the agenda item 10 (d) entitled "Administration of justice and the human rights of detainees: the right to a fair trial" at its forty-second session.

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Bahrain*, Bangladesh, Bylorussian SSR*, Democratic Yemen*, Egypt*, India, Islamic Republic of Iran*, Jordan*, Kuwait*, Lebanon*, Morocco, Pakistan, Qatar*, Somalia, Sudan*, Ukrainian SSR: draft resolution

Situation of human rights in southern Lebanon

The Commission on Human Rights,

Gravely concerned by the persisting practices of the Israeli occupation forces in southern Lebanon, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and The Hague Convention IV of 1907,

Recalling its deep regret at Israel's failure to implement Security Council resolution 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Re-affirming that the continued occupation and the practices of the Israeli forces constitute a violation of the resolutions of the Security Council as well as of the will of the international community and the conventions in force in this respect,

Gravely concerned by the impeding of the International Committee of the Red Cross and other humanitarian organizations from accomplishing their humanitarian mission in the occupied area of southern Lebanon, in particular to ascertain reports of ill-treatment of detainees in Khiam and Marjeyoun detention centres,

Recalling its previous resolutions in this respect, the latest being resolution 1989/65 of 8 March 1989,

1. Condemns the continued Israeli violations of human rights in southern Lebanon, manifested particularly by the arbitrary detention of the civilian population, the destruction of their homes, the confiscation of their property, their expulsion from the occupied area, the bombardment of villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices and to implement the above-mentioned resolutions of the Security Council which require the immediate, total and unconditional withdrawal of Israel from all Lebanese territory and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel in its capacity as the occupying power in southern Lebanon to comply with the Geneva Conventions of 1949, specifically the fourth Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying power in southern Lebanon, to facilitate the humanitarian mission of the International Committee of the Red Cross and other humanitarian organizations in that region and, in particular to allow these organizations to visit the detention centres of Khiam and Marjeyoun and to ascertain the conditions of detainees;

5. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-Seventh session on the results of his efforts in that regard;

(c) Decides to continue its consideration of the situation of human rights in southern Lebanon at its forty-seventh session.

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Agenda item 19

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Australia*, Belgium, Canada, Denmark*, Germany, Federal Republic of, Ireland*, Luxembourg*, Netherlands*, Norway*, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft decision

Visit to Iraq

At its ... meeting, on ... March 1990, the Commission decided to note with satisfaction both the invitation of the Iraqi Human Rights Society extended to the members of the Sub-Commission and the statement made by the Permanent Representative of Iraq to the Commission on 23 February 1990 which reaffirmed the readiness of the Government of Iraq to extend all the assistance necessary to ensure the success of the visit, to request the Government of Iraq to co-operate fully with the Centre for Human Rights for this purpose, to invite the Chairman of the Sub-Commission to consult the members of the Sub-Commission in order to select a representative group, also to request the Secretary-General to provide the necessary facilities, within existing resources, for the carrying out of the visit in accordance with United Nations practice, and further to request the Sub-Commission to report to the Commission on the results of the visit at its forty-seventh session.

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Australia*, Belgium, Canada, Denmark*, France, Germany, Federal Republic of, Greece, Ireland*, Italy, Luxembourg*, Netherlands*, Norway*, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft decision

Visit to Iraq

At its ... meeting, on ... March 1990, the Commission, noting with satisfaction both the invitation of the Iraqi Human Rights Society extended to the members of the Sub-Commission to visit Iraq to have first-hand knowledge of the facts regarding the situation of human rights and fundamental freedoms and the statement made by the Permanent Representative of Iraq to the Commission on 23 February 1990 which reaffirmed the readiness of the Government of Iraq to extend all the assistance necessary to ensure the

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

success of the visit and by which the Government of Iraq thus endorsed the invitation, decided to accept and welcome the invitation extended to the members of the Sub-Commission, invited the chairman of the Sub-Commission to consult the members of the Sub-Commission on the visit, requested the members to report on the visit to the Sub-Commission at its next session, requested the Secretary-General to provide the necessary facilities, within existing resources, for the carrying out of the visit in accordance with United Nations practice and requested the Sub-Commission to report to the Commission at its forty-seventh session on the results of the visit.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Argentina, Bolivia*, Bulgaria*, Byelorussian Soviet Socialist Republic, Canada, Colombia, France, Germany, Federal Republic of, Hungary*, Ireland*, Italy, Madagascar, Peru, Philippines, Portugal, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay*, Venezuela: draft resolution

Consequences of acts of violence committed by irregular armed groups and drug traffickers on the enjoyment of human rights

The Commission on Human Rights,

Reaffirming its responsibility for accurate and impartial analysis and for international monitoring of human rights,

Acknowledging the invaluable contribution made by non-governmental organizations to the constant monitoring of all matters relating to human rights and fundamental freedoms,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Deeply concerned at the increase in violence committed by irregular armed groups and drug traffickers in many countries,

Alarmed at the evidence of growing links between irregular armed groups and drug traffickers,

Observing that such acts adversely affect the well-being of peoples and cause serious damage to the infrastructure and economic production of countries,

Noting in particular that such acts prevent the unimpeded exercise of civil and political rights, such as participation in free elections, the right to peaceful assembly, freedom of association and trade union rights, as well as the exercise of economic, social and cultural rights,

Stressing that all international obligations relating to the protection and promotion of human rights and fundamental freedoms must be honoured at all times,

Aware that other aspects of this problem are being dealt with appropriately in other United Nations bodies, such as the Congress on the Prevention of Crime, the Commission for Social Development and the Commission on Narcotic Drugs,

1. Expresses its deep concern at the adverse effects on the enjoyment of human rights of the crimes and atrocities committed in many countries by irregular armed groups, regardless of their origin, and by drug traffickers;

2. Requests all Special Rapporteurs and Working Groups to pay particular attention to the activities of irregular armed groups and drug traffickers in their forthcoming reports to the Commission;

3. Also requests the Secretary-General to collect information on this question from all relevant sources and to make it available to the Special Rapporteurs and Working Groups concerned for their consideration;

4. Decides to consider this question as a matter of high priority at its forty-seventh session.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Austria*, Gambia, Hungary, Swaziland, Sweden, Switzerland* and Union of Soviet Socialist Republics: draft resolution

Co-operation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Affirming that representatives of the United Nations human rights bodies, engaged in studying human rights situations or certain aspects of human rights violations must take an even-handed approach in the gathering of information with a view to arriving at a balanced implementation of their mandates,

Convinced that, to this end, unhampered access to private individuals or groups is vitally important, and that anybody wishing to impart pertinent information to the United Nations should not feel inhibited from doing so by fear of intimidation or reprisal,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling that private individuals and groups should, likewise, feel free to avail themselves, without fear of intimidation or reprisal, of the various procedures established by the Commission on Human Rights, its Sub-Commission on Prevention of Discrimination and Protection of Minorities or by various human rights instruments, for drawing attention to alleged violations of human rights,

Concerned about cases reported to United Nations organs of private individuals and groups who, before or after co-operating with representatives of United Nations human rights bodies or treaty bodies, have been subjected to harassment, ill-treatment and detention or imprisonment or other forms of hardship,

Concerned about reports that relatives or those dear to such individuals have themselves been subjected to similar treatment,

Equally concerned about reports that relatives of disappeared persons, when seeking to clarify the fate or whereabouts of the victims through the appropriate channels, have frequently been subjected to reprisals as have the organizations to which they belong,

Affirming that the United Nations should take steps to prevent harm to those who turn to the Organization for help on human rights concerns,

Recalling its resolution 1988/34 of 8 March 1988 in which it urged governments to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subject,

1. Calls on all governments receiving representatives of United Nations human rights bodies to provide effective advance information to them, to allow unhampered contacts between private individuals and such representatives and to remove all legal and practical obstacles which would unduly prevent or discourage such contacts from taking place;

2. Condemns all acts of intimidation or reprisal, in whatever form, against private individuals and groups who seek to co-operate with the United Nations and representatives of its human rights bodies, or who have sought to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms;

3. Requests all representatives of United Nations human rights bodies reporting to the Commission or to the Sub-Commission on violations of human rights, in the exercise of their respective mandates,

(a) To take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation or reprisal;

(b) To devote special attention to this question in their respective reports to the Commission or the Sub-Commission;

4. Requests the Secretary-General to submit to the Commission at its forty-seventh session any available information, from all appropriate sources, on reprisals against witnesses or victims of human rights violations;

5. Decides to revert to this question at its forty-seventh session.

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Forty-sixth session
Agenda item 19

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIRST SESSION

Argentina, Austria*, Belgium, France, Germany, Federal Republic of, Hungary, Netherlands*, Philippines, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Yugoslavia and Zaire*: draft resolution

Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Taking note of the report of the Sub-Commission of Prevention of Discrimination and Protection of Minorities on its forty-first session (E/CN.4/1990/2),

Expressing appreciation for the positive contribution made by the Sub-Commission to the work of the Commission in the promotion and protection of human rights,

Recalling the terms of reference of the Sub-Commission as defined by the Commission at its first and fifth sessions and its particular responsibilities established in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970 and the relevant resolutions of the General Assembly,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling its resolution 1989/36 of 6 March 1989 in which the Commission provided certain guidelines for the work of the Sub-Commission,

Expressing appreciation for the report of the Chairman of the Sub-Commission prepared in accordance with paragraph 15 of Commission resolution 1989/36,

Convinced of the need for a further strengthening of a substantial and meaningful dialogue between the Commission and the Sub-Commission,

Also convinced that it is essential that the impartiality and objectivity of the Sub-Commission and the independent status of its members and their alternates should continue to be its guiding principles,

Further convinced that the credibility and effectiveness of the Sub-Commission as an expert human rights body are dependent on Governments nominating and the Commission electing as members and alternates of the Sub-Commission only individuals who possess genuine expertise in the field of human rights and who are able to act independently of their Governments,

Calling upon Governments to respect the independence of the members of the Sub-Commission,

Reaffirming that the systematic preparation of well-researched studies, reports and draft international instruments continue to be the most important elements of the expert work of the Sub-Commission and of its contribution to the work of the Commission,

Noting the growing number of resolutions and decisions adopted by the Sub-Commission every year,

Stressing the valuable role that the Sub-Commission, as a body of independent experts, can play, inter alia, in addressing new developments in the field of human rights and also in providing a forum for the contributions of non-governmental organizations in the field of new developments,

Mindful of the important contribution in general which non-governmental organizations in consultative status with the Economic and Social Council make to the work of the Sub-Commission, in conformity with the principles embodied in Economic and Social Council resolutions 1296 (XLIV) of 23 May 1968 and 1919 (LVIII) of 5 May 1975,

Welcoming decision 1989/104 of the Sub-Commission to establish a sessional working group to prepare an overview and an analysis of the suggestions and proposals which have been made in order to enable the

Sub-Commission to discharge better its responsibilities in dealing with the protection and promotion of human rights, and which would include, in particular, suggestions and proposals made by the Commission,

Convinced that it is highly appropriate for the Commission to give considered attention to the work of the Sub-Commission and thereby maintain the effectiveness of both bodies in their respective roles,

Reaffirming that it remains important for the Commission to give guidance to the Sub-Commission, and for the Sub-Commission to follow it, in order to ensure the complementarity of its activities with those of the Commission,

1. Reaffirms that the Sub-Commission can best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the Sub-Commission's report as well as in the expert studies carried out under its auspices;

2. Calls upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

3. Requests the Sub-Commission to give priority to those topics on which standards are being prepared, in accordance with decisions taken by the Commission and within the time frames set by the Commission;

4. Urges all the special rapporteurs of the Sub-Commission to submit their reports by the deadline given by the Secretariat so that these reports can be available in all languages well before the meeting;

5. Recommends that the Sub-Commission should, as a general rule, propose a new study only when a study previously authorized is fully completed;

6. Reminds the Sub-Commission that new studies or other reports involving financial implications can only be undertaken after authorization by its superior bodies;

7. Asks the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, specialized agencies and other such bodies for their views and comments to requests relating to those studies which have received prior explicit approval from the Commission;

8. Invites the Sub-Commission to give due consideration to draft resolutions proposed for adoption and to seek the widest possible measure of agreement on them, bearing in mind that such draft resolutions should be proposed only on subjects that have been thoroughly discussed in the Sub-Commission or in its working groups and should be consistent with the role of the Sub-Commission as a body of independent experts;

9. Urges the Sub-Commission, when examining items which are extensively discussed elsewhere in the United Nations system, to concentrate its attention on those specific human rights issues to which it can make a distinctive contribution;

10. Invites the Sub-Commission to request its working group established under its decision 1989/104 to include in its deliberations an examination of ways and means to avoid any proliferation of studies as well as of draft resolutions or decisions on issues already being dealt with by the Commission;

11. Further invites the Sub-Commission to continue to give due regard to new developments in the field of human rights;

12. Recognizes that working groups constitute an invaluable element in the expert work of the Sub-Commission;

13. Notes the steps taken so far by the Sub-Commission to rationalize and streamline its work and encourages the Sub-Commission to continue this process;

14. Calls upon States to nominate as members and alternates persons meeting the criteria of independent experts who should discharge in that capacity their functions as members of the Sub-Commission;

15. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all languages in good time before the session;

16. Requests the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines which the Commission is providing in the present resolution.

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UNITED NATIONS

E

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2 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 11 of the agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Greece*, Ireland*, Morocco: draft decision

World Conference on Human Rights

At its ... meeting, on ... March 1990, the Commission, recalling General Assembly resolution 44/156 of 15 December 1989 decided that it would be desirable to convene a world human rights conference for the purpose of dealing at the highest level with the crucial questions facing the United Nations in connection with the promotion and protection of human rights.

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*/ In accordance with rule 69, paragraph 3 of the rules of procedure of the functional commissions of the Economic and Social Council.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda items 5 and 22

VIOLATIONS OF THE HUMAN RIGHTS IN SOUTHERN AFRICA:
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Draft resolution proposed by the Chairperson of the Commission on Human Rights

Report of the visit to Namibia by the Ad Hoc Working Group on Southern Africa

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Satisfied with the implementation of the United Nations Proposal for a settlement of the Namibian situation, in accordance with Security Council resolution 435 (1978) of 29 September 1978,

Commending the pecple of Namibia for adopting a democratic constitution that fully accords with the principles enshrined in the Universal Declaration of Human Rights as well as other international instruments in the field of human rights,

Having taken note of the Report of the visit to Namibia by the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7/Add.1),

1. Expresses its gratitude to the Ad Hoc Working Group for the manner in which it has discharged its mandate on Namibia since 1967;

2. Decides to terminate the mandate of the Working Group on the questions relating to Namibia as provided for in Commission on Human Rights resolutions 1989/3, 1989/4 and 1989/5 of 25 February 1989;

3. Expresses its appreciation to the Secretary-General of the United Nations for his personal commitment to the independence of Namibia and to the United Nations Transition Assistance Group in Namibia for its efforts in the full implementation of Security Council resolution 435 (1978);

4. Requests the Secretary-General to provide such advisory services and other forms of technical assistance in the field of human rights as may be requested by the future Government of Namibia from the United Nations Fund for Advisory Services and Technical Assistance;

5. Requests the Secretary-General to give due consideration to the implementation of this resolution.

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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation of human rights in Afghanistan

Administrative and programme budget implications of the draft resolution contained in document E.CN.4/1990/L.80

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraph 12 of draft resolution E/CN.4/1990/L.80, the Commission on Human Rights would decide to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session on the situation of human rights in Afghanistan.

B. Relationship of proposed request to current legislative mandates

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objectives of and strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6) as extended until 1991.

3. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1990-1991 is directly affected by the activities referred to in the draft resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (vii) Substantive servicing of 20 separate exercises of a fact-finding nature or other procedure dealing with alleged violations of human rights decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations and field missions.

Output: (viii) Preparation of 20 reports to be submitted to the Commission on Human Rights and the General Assembly on fact-finding exercises mentioned in previous output.

C. Activities by which the requests would be implemented

4. It is envisaged that the Special Rapporteur would undertake consultations in Geneva at the end of May 1990 for a period of five working days. During 1990 the Special Rapporteur, accompanied by two staff members from the Centre for Human Rights, would carry out two field missions to the region for a period of 10 working days each time. He would also visit Geneva during August or September 1990 for a period of five working days to finalize his report to the General Assembly. Subsequently, he would spend five working days in New York at the time of the submission of his report to the General Assembly at its forty-fifth session. He would then visit Geneva for five working days in December 1990 to finalize his report, and would visit Geneva again to present it to the Commission at its forty-seventh session.

5. Additional staffing resources to assist the Special Rapporteur in the processing of information collected and in the preparation of his report would be required for a period of five months in 1990 and one month in 1991.

D. Modifications required in the programme of work

6. No modifications are required in the programme of work approved for 1990-1991 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

7. The estimated cost of the above programme of work is itemized as follows:

	1990	1991
	(US dollars)	
One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May/June 1990 (5 working days)		
Travel and subsistence	2 000	

	1990	1991
	(US dollars)	
Two field missions of the Special Rapporteur accompanied by two staff members from the Centre for Human Rights (for a period of 10 working days each)		
Travel costs of the Special Rapporteur	10 800	
Travel costs of substantive staff	22 300	
General operating expenses: local transport, communications and rental of office space	2 000	
One round trip to Geneva of the Special Rapporteur to prepare his report, August/ September 1990 (5 working days)		
Travel and subsistence	2 000	
One round trip to New York of the Special Rapporteur to submit an interim report to the General Assembly at its forty-fifth session (November/December 1990) (5 working days)		
Travel and subsistence	3 800	
One round trip to Geneva of the Special Rapporteur to prepare his report, December 1990 (5 working days)		
Travel and subsistence	2 000	
One round trip to Geneva of the Special Rapporteur to present his report to the Commission on Human Rights at its forty-seventh session, February/March 1991 (5 working days)		
Travel and subsistence		2 000
General temporary assistance		
Six work-months at the P-3 level 1/	22 500	4 500
Six work-months at the GS level 1/	17 500	3 500
Total	84 900	10 000

1/ 5 w/m in 1990 and 1 w/m in 1991.

8. The relevant costs to be financed under Section 23 (Human rights) are estimated at $84,900 for 1990 and $10,000 for 1991.

9. Should the services of an interpreter be required during the field missions, salary, travel and subsistence costs are estimated at $5,000 for each mission to be financed under Section 29 B (Conference Services Division, Geneva).

10. This draft resolution is considered to be within the scope of perennial activities and resources therefore would be provided from the existing provision for the Economic and Social Council mandates under Section 23 (Human Rights), thus making it unnecessary to request any additional appropriation or to have recourse to the contingency fund.